

8

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 2ND DAY OF JUNE 1998

BEFORE

THE HON'BLE MR.JUSTICE G.C.BHARUKA

WRIT PETITION NO:31962/1997

BETWEEN:

Shri Rajashekar Neelakantappa
Yankappagol, aged 47 years,
conductor, KSRTC Bijapur Depot,
Bijapur Division, Bijapur.

(By Sri Ashok R.Kalyanashetty, Adv) ..Petitioner

AND:

1. The Karnataka State Road
Transport corporation,
by its Managing Director,
K.H.Road, Bangalore-27.
2. The Divisional Controller,
K.S.R.T.C.Bijapur Division,
Bijapur.
3. Shri P.D.Ganachari,
major, Conductor, KSRTC
Jamakhandi Depot,
Jamakhandi, Dist:Bijapur.

(By Sri Basavaraj V.Sabrad, Adv for
1 and 2;) ..Respondents

...

W.P. is filed under Articles 226 & 227 of the
Constitution of India with a prayer to quash vide
Annex-B by R2 and etc.,

This petition coming on for orders this day
the court made the following:

O R D E R

198

Heard Mr. Ashok R. Kalyanashetty, learned counsel for the petitioner and Mr. Basavaraj V. Sabarad, learned Standing counsel for respondent - the Karnataka State Road Transport Corporation.

2. The present writ petition is directed against the order dt. 25.10.1997 (Annexure 'B') passed by the 2nd respondent promoting the 3rd respondent, who is junior to the petitioner, from the post of conductor to the post of Traffic Controller on officiating basis.

3. It is not in dispute that the 3rd respondent, who is junior to the petitioner, has been promoted to the post of Traffic Controller pursuant to the order at Annexure 'B' while case of the petitioner for promotion has been kept in abeyance for the reason that he is facing disciplinary proceedings and statement of charges has already been served on him on 30.5.1997 and the enquiry proceedings are being held with due participation of the petitioner. It has been stated by Mr. Basavaaj V. Sabarad that the enquiry officer has already held three hearings.

4. It will be proper here to reproduce guide line No.4 of the Circular dt. 21.4.1992 (Annexure 'R2') regarding Procedure for Promotion - Rationalisation thereof.

"that the employee is not facing a disciplinary proceeding at the time of consideration in which case his claim may be passed over till such time the disciplinary proceedings is disposed off after which he will not be entitled to any promotion if he is punished but is entitled for promotion with retrospective effect if he is exonerated, provided

5

further that his annual assessment reports as indicated above para do not contain any adverse remarks;"

199

5. In the said view of the matter, there does not appears to be any illegality in keeping the promotion of the petitioner in abeyance inasmuch as the result of the disciplinary proceedings will have a bearing on his promotional ^{prospect} ~~post~~. Accordingly, the writ petition is dismissed. Anyhow, the the Enquiry Officer is directed to complete the disciplinary proceedings within SIX months from today, if the petitioner rendered due cooperation.



Sd/-
JUDGE

jsk/-